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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,502	12/04/2003	Nobuyuki Kuwabara	01272.020650.	7166
5514	7590	07/01/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			VO, ANH T N	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2861	

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/726,502

Applicant(s)

KUWABARA ET AL.

Examiner

Anh T.N. Vo

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-12 is/are rejected.
- 7) ☒ Claim(s) 2 and 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4/08/2005.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The references cited on PTO 1449 have been considered.

### ***Disclosure Object to, Minor Informalities***

The disclosure is objected to because of the following informalities:

In specification, page 14, line 18, "12" should be changed to --32--. Appropriate correction is required.

## **CLAIM REJECTIONS**

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4, and 8-12 are rejected under 35 USC 102 (e) as being anticipated by Inoue et al. (US Pat. 6,773,099).

Inoue et al. disclose in Figures 33, 37-38 E and 40 a liquid supplying apparatus comprising:

- a movable member (511) which defines a space (510A) for containing liquid and which is displaced as said liquid is supplied to the outside;

- a liquid containing chamber (510) having a liquid supply port (518) for supplying the contained liquid to the outside;
- a one-way valve (534, 535, 537) for allowing gas to be introduced into said containing space from the outside and for preventing said liquid from being delivered from said containing space to the outside;
- an introduction channel (517) for coupling said one-way valve (535, 537) and said containing space (510A) to guide the introduced gas into said containing space, wherein an intake port of said introduction channel located on the side of said containing space is positioned in an upper part of said containing space in an orientation in use (Figure 37);
- wherein said intake port (517) is located in a position higher than the level of the liquid contained in said containing space in the orientation in use (Figure 37);
- wherein ink as a printing material is contained as said liquid;
- a printing head (520) for ejecting ink supplied from said container (510) are used to perform printing;
- a printing head (520) for ejecting ink supplied from said container (510);
- wherein said one-way valve (534, 535, 537) has a blocking member (537) capable of blocking out the atmosphere from said introduction channel (517) which leads to said containing space (510A) and an urging member (535) which generates an urging force rendering said blocking out, and, when a pressure within said containing space becomes less than a predetermined value, said introduction channel opens so as to communicate with the atmosphere against the urging force of said urging member.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior arts are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 5-7 are rejected under 35 USC 103 (a) as being unpatentable over Inoue et al. (US Pat. 6,773,099) in view of Yu et al. (US Pat. 6,692,119).

Inoue et al. disclose the basic features of the claimed invention as stated above but do not disclose a hydrophobic gas-permeable film that is disposed at said intake port; a liquid absorbing member is disposed in said introduction channel and wherein said liquid absorbing member comprises a porous body.

Yu et al. discloses in Figures 2 and 4a-4b an ink cartridge comprising:

- a hydrophobic gas-permeable film is disposed at said intake port (Figure 2, column 2, lines 7-8);
- a liquid absorbing member (70) is disposed in said introduction channel (60) (Figures 4a-4b);
- wherein said liquid absorbing member (70) comprises a porous body ((Figures 4a-4b, column 4, lines 62-64; column 5, lines 63-67 and column 6, lines 1-5).

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Yu et al. in the Inoue et al. liquid supply apparatus for the purpose of regulating pressure within the interior of a liquid container.

#### ***Citation of Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These prior art references (US Pat. 6,431,698; US Pat. 6,854,836) cited in the PTO 892 form show an ink container that is deemed to be relevant to the present invention. These references should be reviewed.


#### ***Allowable Subject Matter***

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Claim 4 would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. These claims would be allowable because none of the prior art references discloses a liquid container comprising at least part of a introduction channel including an intake port that can follow up the displacement of a movable member in the combination as claimed.

### **CONCLUSION**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M. to 7:00 P.M.. The fax number of this Group 2861 is (703) 872-9306.

  
**ANH T.N. VO**  
**PRIMARY EXAMINER**  
June 28, 2005